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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:	)Attorney Docket No.: F-166
Michael J. Ramadei, et al.	)Group Art Unit: 2113
Serial No.: 09/752,068	)Examiner: Michael C. Maskulinski
Filed: March 3, 2001	)Date: October 4, 2004

Title: SYSTEM AND METHOD FOR RECOGNIZING FAULTS IN MACHINES

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 8, 10 and 11 of the above-identified application mailed May 10, 2004. The fee for submitting this Brief is $340.00 (37 C.F.R. § 1.17(c)). Please charge Deposit Account No. **16-1885** in the amount of $340.00 to cover these fees. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**. Enclosed with this original are two copies of this brief.

CERTIFICATE OF MAILING

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REAL PARTY IN INTEREST

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellants, their legal representative, or the assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The instant application was filed with claims 1-13. In the Amendment dated March 17, 2004 claims 1-7, 9 and 12-13 were cancelled and claims 8 and 11 were amended.

STATUS OF AMENDMENTS

Subsequent to the final rejection dated May 10, 2004, no changes were made to the claims. Therefore, the claims as set forth in Appendix A to this brief (namely, 8, 10 and 11) are those as set after the final rejection.

SUMMARY OF INVENTION

Deficiencies in the prior art are overcome, and an advance in the art is achieved with a system for diagnosing at least one potential or actual fault one or more potential faults in a machine. The system has a communications module for communicating machine data between the machine and the system. It also has a fault recognition module for analyzing the machine data, which can determine at least one potential or actual fault in the machine. An expert system module having a fault tree is guided through the fault tree at a location other than the starting point of the fault tree by the determination of at least one potential or actual faults by the fault recognition module.

Operationally, the system diagnoses one or more faults or one or more potential faults in a machine. This diagnosis is achieved by analyzing data from the machine to determine a fault indicia for at least one potential or actual fault, and by applying the fault indicia to a fault tree having a starting point and being representative of the machine, the fault indicia being applied at a location other than the starting point of the fault tree to determine a diagnostic path within the fault tree.

ISSUES

The issue on appeal is whether U.S. Patent No. 5,596,712 to Tsuyama et al. (the '712 patent) in view of U.S. Patent No. 5,956,352 to Tatosian et al. (the 352 patent) renders obvious claims 8, 10 and 11 under 35 USC §3.

GROUPING OF CLAIMS

Claims 8, 10 and 11 are grouped together and stand and fall together.

ARGUMENT

As Appellant discusses in detail below, the final rejection of claims 8, 10 and 11 are devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

Independent claims 8 and 11 respectively recite of a method and system "for diagnosing at least one potential or actual fault in a machine." The claimed method of claim 8 includes the step: "applying said data to a plurality of filters wherein each filter is user configured to recognize a specific error in said machine." And similarly, the claimed system of claim 11 includes: a "fault recognition module including a plurality of filters wherein each filter is user configured to recognize a specific error . . " Thus the present invention utilizes user configured filters, each

configured to recognize a specific fault for diagnosing proper, or improper, operation of a machine.

With regards to the '712 patent, it discloses the use a fault tree for performing diagnosis and analysis of machine data. With regards to the present claimed invention, the Examiner admits the '712 patent does not "explicitly disclose applying said data to a plurality of filters wherein each filter is user configured to recognize a specific error in said machine." In an attempt to overcome this deficiency of the '712 patent, the Examiner cites and applies the '352 patent.

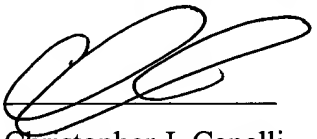
The '352 patent relates to an adjustable filter for a computing system that obviates the need for error signals to be recorded in Control and Status Registers (CSR). In operation, it is the filter control register 220 that detects when a error condition is present (see, col. 4, lines 59-64 of the '352 patent). The filter control register 220 utilizes "filter logic 300 [that] uses the exclusive NOR gates 302-316 to determine whether a memory error matches the user-selected specifications stored in the filter control register." (Col, 5, lines 48-52 of the '352 patent). Thus, the filter control register 220 of the '352 patent determines when an error condition is present. Therefore, it is clear the '352 patent neither teaches nor suggests "a plurality of filters wherein each filter is user configured to recognize a specific error in said machine." In other words, the '352 patent provides a master filter for determining error conditions while the claimed invention provides a plurality filters for doing so wherein each such filter may individually be "user configured to recognize a specific error in said machine." Thus, the '352 patent actually teaches away from the present invention in this respect and neither teaches nor suggests of the present invention as set forth in independent claims 8 and 11.

Accordingly, the '352 patent does not overcome the aforesaid deficiencies of the '712 patent in teach or suggesting the present claimed invention. Therefore, it is respectfully submitted that independent claims 8 (along with its depending claim 10) and 11 patentably distinguish from either '712 or '352 patent, taken either alone or together, and that removal of this rejection is warranted.

CONCLUSION

In Conclusion, Appellants respectfully submit that the final rejection of claims 8, 10 and 11 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,



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APPENDIX A

Claim 8: A method for diagnosing at least one potential or actual fault in a machine comprising:

analyzing data from the machine to determine a fault indicia for at least one potential or actual fault;

applying said data to a plurality of filters wherein each filter is user configured to recognize a specific error in said machine; and

applying the fault indicia to a fault tree having a starting point and being representative of the machine, the fault indicia being applied at a location other than the starting point of the fault tree to determine a diagnostic path within the fault tree.

Claim 10: The method of Claim 1 wherein the data is in a log data file format.

Claim 11: A system for diagnosing at least one potential or actual fault in a machine comprising:

a communications module for communicating machine data between the machine and the system;

a fault recognition module for analyzing the machine data to determine at least one potential or actual faults, said fault recognition model including a plurality of filters wherein each filter is user configured to recognize a specific error in said machine; and

an expert system module having a fault tree with a starting point, where the expert system module is guided through the fault tree at a location other than the starting point of the fault tree by the determination of at least one potential or actual faults by the fault recognition module.